



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 22, 2009

Certified Mail

Joe LaMantia
Vice President
Multi-Service
1962 Radio Road
Dayton, Ohio 45431

RE: Ongoing Compliance Evaluation Inspection - OHR000014605

Dear Mr. LaMantia:

On June 24, 2009, and June 30, 2009, Ohio EPA received responses from Multi-Service regarding the June 17, 2009, Notice of Violation letter and June 17, 2009, tank information request letter. On July 8, 2009, Jeff Smith and I inspected Multi-Service to clarify information provided in your response letters. Robert Jones and Mitch Brown of Crown Solutions represented Multi-Service. Based on the information provided in the response letters and from the subsequent inspection, Ohio EPA has determined that Multi-Service has violated the following hazardous waste regulations:

1. Treatment, storage, and disposal facility, Ohio Revised Code (ORC) 3734.02 (E)(2) and (F) state in part:

- (E)(2) No person shall establish or operate a hazardous waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code.
- (F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of. . . except at or to any permitted hazardous waste facility.

According to Ohio Administrative Code (OAC) 3745-52-34(B) a generator who, for more than ninety days, accumulates and/or conducts treatment of hazardous waste that is generated on-site is an operator of a storage and/or treatment facility. Multi-Service has stored approximately 3500 gallons of hazardous waste in the storage tank for over 90 days. The hazardous waste has been in the tank since approximately December 2008. **Therefore, Multi-Service is in violation of ORC 3734.02(E)(2) and (F).**

Since Multi-Service violated ORC 3734.02(E) and (F), Multi-Service is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Multi-Service begin facility-wide cleanup pursuant to the Corrective Actions process under Ohio law.

2. **Design and installation of new tank systems or components, OAC 3745-66-92 (A), (B), (D), and (G):** The owner or operator must ensure that the design, installation and structural integrity of the tank system is acceptable for the storing of hazardous waste.

Multi-Service failed to comply with OAC 3745-66-92(A) by not having a written assessment attesting to the design, installation and structural integrity of the tank.

Multi-Service failed to comply with OAC 3745-66-92(B) by not having a qualified inspector or an independent, qualified, registered professional engineer ensure the proper handling procedures were adhered to in order to prevent damage to the system during installation.

Multi-Service failed to comply with OAC 3745-66-92(D) by not having the tank and ancillary equipment tested for tightness prior to being placed in use.

Multi-Service failed to comply with OAC 3745-66-92(G) by not having on file at the facility a written statement by those required to certify the design of the tank system and supervise the installation of the tank systems in accordance with the requirements of paragraph (B) to (F) of this rule to attest that the tank system was properly designed and installed. These written statements must also include the certification statement as required in paragraph (D) of rule 3745-50-42 of the Administrative Code.

Therefore, Multi-Service is in violation of OAC 3745-66-92(A), (B), (D) and (G).

3. **Containment and detection of release, OAC 3745-66-93:** In order to prevent the release of hazardous wastes or hazardous constituents to the environment, a generator may accumulate and/or conduct treatment of hazardous waste in tanks with secondary containment that meet the requirements of 3745-66-93 of the Administrative Code. The secondary containment must be designed or operated to contain one hundred per cent of the capacity of the tank within its boundary.

Multi-Service failed to comply with OAC 3745-66-93 by not having adequate secondary containment. **Therefore, Multi-Service is in violation of OAC 3745-66-93.**

4. **Inspections, OAC 3745-66-95 (A) and (C):** The owner or operator must inspect the tank system at least once each operating day. The inspections must be documented in the operating record of the facility.

Multi-Service failed to comply with OAC 3745-66-95(A) and (C) by not conducting inspections of the tank system on Saturdays and Sundays. **Therefore, Multi-Service is in violation of OAC 3745-66-95.**

Multi-Service needs to immediately remove the hazardous waste from the storage tank. The tank system should not be used for the storage of hazardous waste until the facility attains compliance with all applicable requirements of rules 3745-66-90 to 3745-66-101. Please provide this office with a schedule for hazardous waste removal from the tank.

5. Content of contingency plan, OAC 3745-65-52(A) and (E):

(A) The contingency plan must describe the actions facility personnel must take to comply with rules 3745-65-51 and 3745-65-56 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(E) The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communication and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Multi-Service failed to comply with OAC 3745-65-52(A) by not properly describing the procedures the emergency coordinator should take in notifying the Ohio EPA during an emergency situation and what information is required to be reported in accordance with OAC 3745-65-56(A), (D), and (J). The contingency plan speaks of notification only for reportable quantity spills, which apply to Spill Prevention, Control and Countermeasures plans, not Ohio EPA required contingency plans.

Multi-Service failed to comply with OAC 3745-65-52(E) by not including the location, physical description, and a brief outline of each item's capabilities.

Therefore, Multi-Service is in violation of OAC 3745-65-52(A) and (E).

6. Copies of contingency plan, OAC 3745-65-53(B): A copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.

Multi-Service failed to comply with OAC 3745-65-53 by not providing copies of the contingency plan to the Ohio EPA and the local hospital. **Therefore, Multi-Service is in violation of OAC 3745-65-53(B).**

7. Amendment of contingency plan, OAC 3745-65-54(C): The contingency plan must be reviewed, and immediately amended, if necessary whenever the facility changes – in its design, construction, operation, maintenance, or other

Mr. Joe LaMantia
July 22, 2009

circumstances- in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency.

Multi-Service failed to comply with OAC 3745-65-54(C) by not updating the plan to reflect the current operations of the facility and the current hazardous waste storage areas. **Therefore, Multi-Service is in violation of OAC 3745-65-54(C).**

To return to compliance, Multi-Service must update the contingency plan to include all the above requirements and conduct the necessary assessments and certifications on the hazardous waste storage tank along with required upgrades to comply with all applicable tank regulations. Submit the contingency plan updates, the hazardous waste removal schedule and documentation of the tank systems compliance with applicable regulations to Ohio EPA within 14 days of receipt of this letter.

Due to the nature and extent of the violations, we will be referring Multi-Service to the Division of Hazardous Waste Management's Central Office for consideration of escalated enforcement. Should you have any questions, please call me at (937) 285-6093.

Sincerely,



Cathy L. Altman
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM-SWDO/SWDO File

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.